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C O N F I D E N T I A L SECTION 01 OF 04 MUSCAT 000152

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SUBJECT: Labor Attach??s Discuss TIP in Oman

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CLASSIFIED BY: Gary A. Grappo, Ambassador, Department of State, Embassy Muscat; REASON: 1.4(B), (D)

¶1. (C) Summary: On February 16, emboffs met with labor attachC)s from the Indian, Pakistani, Sri Lankan, Bangladeshi and Philippine embassies in Muscat for a roundtable discussion on trafficking in persons (TIP) in Oman. Labor attachC)s said that most TIP-related problems in Oman concerned employers' holding of their workers' passports and the withholding or underpayment of wages, although they also spoke at length about illegal immigration issues. Three embassies continue to run safe houses, which, combined, offer services to approximately 30 to 60 female domestic workers per month. Notably, participants praised the Ministry of Manpower's effective labor dispute resolution process, and the "very good" quality of labor camps in Oman. Meeting participants voiced their solidarity in encouraging Oman to make further progress against TIP and identified the following next steps: effective implementation of the anti-TIP law, creation of state-supported safe houses for abused workers, establishment and enforcement of penalties for holding passports, direct deposit of salaries for foreign workers, and adoption of new legal protections for domestic workers under Omani labor law. End Summary.

Common Trafficking Concerns

¶2. (C) Embassy Muscat hosted a roundtable discussion on TIP February 16 with the Indian DCM and labor attachC)s from the embassies of India, Pakistan, Sri Lanka, Bangladesh and the Philippines, the primary source countries of potential trafficking victims in Oman. When asked to describe recent specific occurrences of trafficking of their citizens into or through Oman, attendees did not offer any particular case or anecdote. Instead they recounted familiar generalities of the problems that some of their nationals in Oman face: Omani employers holding their workers' passports, withholding wages, and requiring excessive work hours, particularly for live-in domestic employees. Attempts to address these issues have faced varying degrees of success. The Indian attachC) noted that one company's use of direct deposit for wages was working "very well" to ensure that workers were compensated properly.

Immigration Status - Legal or Not?

¶3. (C) The Philippine attachC) claimed that most domestic employees from the Philippines who enter Oman through the UAE are working without contracts. All of the attachC)s agreed that workers arriving via the UAE were more likely to have immigration and employment contract problems. Also of concern was the common practice whereby workers arrive in the Sultanate on a temporary visitor visa, but then stay and work illegally. Meeting participants discussed the so-called "free visa" system under which workers pay a high fee to their official employer, who continues to sponsor their residency, in exchange for being allowed to move freely (though technically illegally) from job to job for different employers. Consensus among the attachC)s was that the "free visa" system, although problematic, did not constitute, in their opinion, trafficking and in fact often financially benefited foreign workers.

Safe Houses Still Operating

¶4. (C) The Indian, Philippine and Sri Lankan embassies continue to run successful "safe houses" for their citizens, mostly domestic workers, who have fled abusive situations. The Indian and Philippine attachC)s estimated that their safe houses each assist roughly 15 to 20 female domestic workers per month, while the Sri Lankan attachC) said less than 20 per month sought shelter through the embassy. [Note: These safe houses are not officially recognized by the Omani government, but the GOO is aware of their

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presence and allows them to operate. End Note.] As safe house services are only available to women, non-domestic male workers generally appeal directly to the Ministry of Manpower for help with labor law violations, noted the attachC)s. The attachC)s welcomed news that the GOO is planning to open its own safe houses, but only if their safe houses are permitted to continue operations.

15. (C) The Indian and Philippine attachCs disputed the government's estimate that approximately 90,000 female domestic employees work in Oman. The actual number is closer to 60,000, they said, comprised of roughly 40,000 Indian, 10,000 Sri Lankan, and 10-12,000 Philippine housemaids. [Note: Pakistan and Bangladesh do not allow their female citizens to work in Oman. End Note.]

16. (C) All discussion participants complained that Omani labor laws, which limit working hours and specify conditions of work for most employees, do not cover domestic workers, male or female. Because of this gap, many foreign housemaids are required to work excessive hours, which is an ongoing, recurring problem according to the assembled attachCs. The GOO should accordingly cover domestic labor under current labor laws or adopt new legislation to protect these workers. In the meantime, the attachCs stated they were working on proposed minimum employment standards for housemaids, including access to air conditioning and mobile phones.

Indian Embassy's "Model" Procedures

17. (C) The Indian labor attachC emphasized the success of her embassy's procedure to vet Omani sponsors and employment contracts before Indian domestic employees arrive in Oman to work. Under this procedure, the Indian Embassy will not approve employment contracts for new domestic workers unless the sponsor meets a monthly salary/income requirement of 500 Omani Rials (US\$ 1300) and the contract includes a minimum monthly wage of 140 OR (US\$364) for the employee. The Indians also require a sponsor to purchase "repatriation insurance" (10 OR/US\$26) that will provide, if needed, airfare for the Indian employee to return home. As a result of these controls, almost all the estimated 40,000 Indian domestic employees in Oman are legally present and those who must turn to the safe house or the Indian embassy for help are guaranteed passage home. "This has solved about 80% of our problems," said the Indian attachC. [Note: Because of the size of the Indian expat presence, the Indian government has considerable leverage in bargaining with the GOO and employers. End Note.]

Debate: Holding of Passports Appropriate or Not?

18. (C) The holding of employees' passports is a still a regular practice, say the attachCs. A 2006 government circular outlaws the retention of passports, but the circular imposes no penalties on employers who commit the offense. The practice is so common that some of the attachCs allege that virtually 100% of their citizens in Oman do not physically possess their passports. The Indian attachC explained that often employers will hold passports of Indians whose responsibilities include the handling of cash in order to ensure that the money is handled appropriately. Interestingly, the assembled guests voiced both pros and cons on this issue, noting that often employers hold passports at the request of employees. The Bangladeshi attachC thought it was difficult for manual laborers to keep their passports safe while on the job site. He also remarked that other workers could steal and even destroy a worker's passport in an attempt to control him or her. The conversation diverted to an analysis of situations in

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which it would or would not be right for a passport to be held, indicating a belief that it may be appropriate under some circumstances.

Ministry of Manpower's Credible Enforcement

19. (C) In discussing recourse for male employees with labor complaints, the attachCs explained that male laborers rarely approach their embassies for shelter. Instead, to resolve disputes, they appeal directly to the Omani Ministry of Manpower (MoM), which, according to all the attachCs, works effectively for foreign labor, particularly for recuperating unpaid wages. The MoM routinely penalizes Omani individuals and small business that withhold wages by placing them on a 'blacklist', which prevents them from sponsoring additional foreign workers. The system works, say the attachCs, in that large and medium-sized companies rarely withhold wages because they understand the risks of being blacklisted.

110. (C) While the MoM has a much publicized "24 hour hotline" to report labor violations or trafficking, none of the attachCs was familiar with the system. Theorizing that many workers would be concerned about a language barrier on the phone, the attachCs said people apparently prefer to appeal in person to the MoM. The MoM has also heavily publicized its expanded corps of labor inspectors, who have been actively conducting inspections, according to the attachCs.

Labor Camp Conditions "Very Good"

111. (C) When asked what they have heard or seen about conditions in company-provided living quarters for manual laborers (commonly known as "labor camps"), the Pakistani and Bangladeshi attachCs emphatically said that the camps in Oman's were "very good" and even "the best." They favorably compared Omani labor camps to those in the UAE, which they described as having lamentable

sanitation conditions. The Indian attachC) noted that she is working on a "best practices" concept to recognize the best labor camps in Oman and to encourage others to emulate them.

¶12. (C) Tangentially, the guests noted a positive change for their nationals in Oman: the recent increase in insurance compensation settlements to victims of lethal road accidents from 5,000 OR (US\$ 13,000) to 15,000 OR (US\$ 39,000). The attachC)s stated that settlement is quick and easy, and the amount meaningful to victims' families.

Prostitution "Not an Issue"

¶13. (C) When emboffs asked about occurrences of prostitution and trafficking, one attachC) remarked that it is "not an issue" to the agreement of the other attachC)s. They recognized that small-scale prostitution exists, but stated no knowledge of connections of trafficking offenses to their citizens.

Next Steps - One Voice

¶14. (C) The labor attachC)s finished the meeting by expressing their desire to speak as one voice to the GOO to encourage further progress on fighting TIP and addressing other labor abuses. They identified the following as the most useful next steps the government could take in this regard: creation of state-financed safe houses, assignment and enforcement of penalties for the

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holding of workers' passports, expansion of labor law protections to include domestic workers, a mandatory system for direct deposit of workers' salaries, and full implementation of the anti-TIP law.

Comment

¶15. (C) Comment: The assembled labor attachC)s sounded no alarms on the trafficking situation in Oman. As is typical, the conversation blended trafficking with other labor-related offenses with only some understanding of the differences. Reflecting their daily workload, the attachC)s appeared more concerned about illegal immigration than trafficking. While acknowledging current government policies that have tangibly improved the lot of their citizens in Oman, they are hopeful that Oman's new anti-TIP law will bring further improvements. End Comment.
GRAPPO

To view the entire SMART message, go to URL http://repository.state.sgov.gov/_layouts/OSS_SearchResults.aspx?k=messageid:3930bbe2-2fbf-4f4d-ba